

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LUIS TORO,

Plaintiff(s),

-against-

MEDBAR CORP.,

Defendant

23-cv-6878 (AS) (JLC)

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

ARUN SUBRAMANIAN, United States District Judge:

The motions to dismiss in this case were referred to Magistrate Judge Cott for a Report and Recommendation. Dkt. 6. In the Report and Recommendation filed on May 22, 2024, Magistrate Judge Cott recommended that the motion to dismiss for lack of subject-matter jurisdiction should be granted while the motion to dismiss for lack of personal jurisdiction should be denied as moot. Dkt. 32 at 18.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The Court reviews de novo “those portions of the report or specified proposed findings or recommendations to which objection is made.” § 636(b)(1); Fed. R. Civ. P. 72(b)(3) (“The district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to.”). The parts that haven’t been objected to are reviewed for clear error. *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008).

In the present case, the Report and Recommendation advised the parties that they had fourteen days from service of the Report and Recommendation to file any objections, and warned that failure to timely file such objections would result in waiver of any right to object. Dkt. 32 at 18–19. In addition, the Report and Recommendation expressly called Plaintiff’s attention to Federal Rule of Civil Procedure 72 and 28 U.S.C. § 636(b)(1). *Id.* Nevertheless, as of the date of this Order,

no objections have been filed, and no request for an extension of time to object has been made. Accordingly, Plaintiff has waived the right to object to the Report and Recommendation or to get appellate review. *See Frank v. Johnson*, 968 F.2d 298, 300 (2d Cir. 1992); *see also Caidor v. Onondaga County*, 517 F.3d 601 (2d Cir. 2008).

Despite the waiver, the Court has reviewed the complaint, briefs, and Report and Recommendation, unguided by objections, and finds the Report and Recommendation to be well-reasoned and grounded in fact and law. Accordingly, the Report and Recommendation is ADOPTED in its entirety.

The Clerk of Court is directed to close Dkts. 14, 22, 24, and this case.

SO ORDERED.

Dated: June 7, 2024
New York, New York

A handwritten signature in black ink, appearing to read 'Arun Subramanian', is written over a horizontal line.

ARUN SUBRAMANIAN
United States District Judge